

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEITH DOUGHERTY

v.

CARLISLE TIRE & WHEEL, ET AL.

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Civil No. – JFM-13-857

MEMORANDUM

On January 9, 2014, I entered a memorandum and order granting a motion for more definite statement. Thereafter, plaintiff filed an amended complaint. Carlisle Transportation Products, Inc. (“CTP”), which is not formally named as a defendant, filed a motion for more definite statement. That motion will be denied but the order denying the motion clarifies the record by dropping Keith Dougherty Investments and Consulting, LLC as a plaintiff and Carlisle Tire & Wheel Inc. and Carlisle Transportation Inc. as defendants.¹

It appears from the various allegations and contentions that have been made by both parties that CTP is the successor to Carlisle Tire & Wheel Company. (“CTWC”) CTWC allegedly entered into a contract with Bill’s Mechanical and Welding (of which Larry Runk, II was the sole proprietor) to repair certain shipping containers. Further, according to plaintiff, at some time (exactly when is not entirely clear) CTWC formed the intent of not paying monies that it owed to Bill’s Mechanical under the contract.

According to the allegations in the amended complaint, Keith Dougherty is the assignee of claims that Bill’s Mechanical has against CTWC, now CTP. The amended complaint asserts

¹ Two other pending motions filed by plaintiff, a motion for oral argument by way of teleconference and a motion for Rule 36 request for admission or, in the alternative, Rule 11 sanctions, are denied because they are entirely lacking in merit.

two claims: one for breach of contract and one for fraud (based upon CTWC's alleged intent not to pay monies it owed to Bill's Mechanical).

Against this background the following rulings are made:

1. Keith Dougherty Investments & Consulting LLC is dropped as a plaintiff because Keith Dougherty is alleged to be the assignee of any claims of Bill's Mechanical.
2. Carlisle Tire & Wheel Inc. and Carlisle Transportation Inc. are dropped as defendants because plaintiff has no claim against them because they did not exist or because plaintiff does not have any viable claim against them.
3. Carlisle Transportation Products Inc. is substituted as the proper defendant.
4. CTP's motion for more definite statement is denied because, particularly given plaintiff's pro se status, sufficient facts are stated to enable CTP to file an answer to both claims asserted by plaintiff.
5. CTP (which has already entered an appearance) is directed to file an answer to the amended complaint on or before April 9, 2014.
6. A scheduling order will be entered herewith so that the merits of the claims asserted by plaintiff can be properly addressed.

Date: March 21, 2014

/s/
J. Frederick Motz
United States District Judge